

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

THOMAS CLIFTON LINDSEY,

Plaintiff,

v.

Civil Action No. 7:09-CV-95 (HL)

**ARONNA WELSH, JAMES CAMON,
CLARICE HOOD, ALAN CARTER,
MRS. BROWN, DONNIE THOMPSON,
KEITH JACKSON, JAMES AKINS,
ROBERT BYRD, and LAURA PAYNE,**

Defendants.

ORDER

The Recommendations of United States Magistrate Judge Thomas Q. Langstaff, entered on August 16, 2010 (Docs. 51 and 53), are before the Court. Plaintiff Thomas Clifton Lindsey has not filed written objections to the Recommendations, as permitted by 28 U.S.C. § 636(b)(1). Instead, he actually filed a consent to the Recommendations (Doc. 54). The Court has reviewed the Recommendations and finds no clear error in the Magistrate Judge's decision. Accordingly, the Court accepts the Recommendations.

The Pre-Answer Motion to Dismiss (Doc. 32) filed by Defendants Welsh, Camon, Hood, Carter, and Thompson is granted. Plaintiff's Motion for Default Judgment against Defendant Brown (Doc. 45) is denied. Finally, Defendants Byrd,

Akins, Jackson, and Payne are dismissed from this action pursuant to the Magistrate Judge's recommendation (Doc. 53).

Plaintiff has also filed a Motion for Voluntary Dismissal of Action (Doc. 54). He did not, however, comply with the requirements of Federal Rule of Civil Procedure 41(a)(1) for voluntary dismissal. In any event, the Court does not find voluntary dismissal without prejudice to be appropriate in this case. This matter has been pending for over one year, and Defendants have invested considerable time in this case, including filing a motion to dismiss which the Court finds entitles them to judgment in their favor. The Court is not now going to allow Plaintiff to dismiss his case to escape an unfavorable recommendation. Plaintiff's Motion for Voluntary Dismissal of Action (Doc. 54) is denied.

Finally, Plaintiff was instructed by the Magistrate Judge to provide Defendant Brown's current address for service purposes no later than August 31, 2010, or face possible dismissal of the defendant. Plaintiff has not provided the requested information, and accordingly, Defendant Brown is dismissed from this action.

The Clerk of Court is instructed to close this file.

SO ORDERED, this the 1st day of September, 2010.

s/ Hugh Lawson
HUGH LAWSON, SENIOR JUDGE

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